

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT:

Public Servants – Criminal charges – Cr.No.119/2000 of Saifabad P.S. – Sri M.A. Rasheed, HC 3750 (Retired), Prosecution Sanction Orders under section 197 of the Code of Criminal Procedure 1973 for offences under section 451, 342, 384 and 120 B Indian Penal Code – Orders - Issued.

HOME (LEGAL.II) DEPARTMENT

G.O.Ms.No. 126

Dated: 24.05.2011

Read:

From the Addl., Director General of Police, CID, A.P., Hyderabad,
C.No.817/C-16/C-15/CID/2000, dated: 06.11.2006.

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O R D E R:

Whereas, the accused Sri M.A. Rasheed s/o late MA. Majeed, Head Constable No.3750 (Retired), formerly worked at Central Crime Station r/o H.No.11-1-1203/B/2, Habeeb Nagar, Mallepalli, Hyderabad (A-5) is public servant with in the meaning of section 21 of the Indian Penal Code, 1860, (Central Act 45 of 1860).

2. And whereas, it is reported by the Addl., Director General of Police, CID, A.P., Hyderabad, that the Investigation in Cr.No.119/2000 under sections 220, 347, 451, 342, 384, 120 B Indian Penal Code of Saifabad Police Station, Hyderabad disclosed that the accused police officers Sri D. Rami Reddy, s/o Bal Reddy, Retired Inspector formerly worked at Central Crime Station r/o Plot No.100, AP Text Book Colony, Gunrock Enclave, Karkana, Secunderabad (A-4), Sri Ch. Madhu Mohan Sub-Inspector of Police, formerly worked at Central Crime Station (A-6) and Sri MA. Rasheed s/o late MA. Majeed, Retired Head Constable No.3750, formerly worked at Central Crime Station Hyderabad r/o H.No.11-1-1203/B/2, Habeeb Nagar, Mallepalli, Hyderabad (A-5) conspired with other accused Md. Raffeq Ahmed s/o Basheer Ahmed, r/o 11-3-116 (65-C) Foot Ball Ground, New Mallepalli, Hyderabad (A-1), Md. Javed Ahmed s/o Basheer Ahmed r/o 11-03-116 (65-C) Foot Ball Ground, New Mallepalli, Hyderabad (A-2), Javed Ahmed Siddique r/o 16-8-557 Malakpet,. Hyderabad (A-3) and Mohammed Mujeeb s/o Md Ghouse Mohiuddin, H.No.F8, Madhura Nagar Colony, Yusuf Guda, Hyderabad (A-7), illegally detained one Civilian/ complainant, Sri Munwar Ahmed Sohail at Central Crime Station, Hyderabad misusing their official position and trespassed into his house and forcibly taken away documents and other articles from his house and extorted him by making him sign on blank cheques and pro notes.

3. And whereas, the following facts and circumstances clearly demonstrate that, on 18.03.2000 Sub-Inspector, Saifabad Police Station received an endorsed complaint, from Hon'ble XV Metropolitan Magistrate Court, Hyderabad for investigation. It was filed by Munwar Ahmed Sohail, the de facto complainant. It was registered as Cr.No.119/2000 under sections 448, 386, 391/395, 341, 342 read with 120 B Indian Penal Code of Saifabad PS and investigated. Further the case was transferred to CID for further Investigation as per the orders of Addl. Director General of Police, CID vide C.No.817/C16/CID/2000 dt: 04.11.2000.

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4. And whereas, the de facto Complainant was an Engineer, doing work of construction of apartments under the name of M/s Space Construction Pvt. Ltd. There were some ill feelings between himself and one Javed Siddique (A-3) on land disputes. During the year 1999, de facto Complainant intended to construct apartments at Khader Bagh in S.No.13-6-436/5/A/5618. One Shafeeq Ahmed, brother of Rafeeq Ahmed (A-1), presently residing at Jedda, approached complainant, booked an apartment in his proposed construction of apartments. He paid Rs.4 lakhs in 4 installments and lastly asked to execute a Promissory Note for the amount paid, on his brother's name as he is staying in Jedda. Accordingly Complainant executed a Promissory note and a receipt for Ra.4,25,000/- in the name of Rafeeq Ahmed (A-1) on 06.10.1999. Basheer Mohiuddin (LW-5) and Muzeeb (A-7) are signatories to the above Pro note. But after couple of months A-1 and his friend A-3 persistently demanded the return of money, for which complainant replied that the money was given by Shafeeq, brother of A-1 hence he would pay the said amount to his brother only.

5. And whereas, the accused A-1 to A-3 entered in to conspiracy and in furtherance of their conspiracy, on 03.12.1999, A-1 approached Joint Commissioner of Police, Hyderabad and submitted a representation with a request to get back the money from complainant, upon which, the Joint Commissioner endorsed to Sri D. Rami Reddy, the then Inspector Central Crime Station, East Zone, Hyderabad (A-4) for taking necessary action. In pursuance to the endorsed petition, on the same day A-1 and A-3 approached Sri D. Rami Reddy, Inspector (A-4) for taking action. They conspired with Inspector Sri D. Rami Reddy (A-4), Sub-Inspector Sri Madhu Mohan (A-6) and Head Constable No.3750 Sri MA. Rasheed (A-5) and hatched a plan. Accordingly on 03.12.1999, A-3 made a phone call to complainant at 3.12 pm and ascertained his presence at his house. Then at about 3.15 pm, A-4 without registering any case, sent HC 3759 Sri MA.Rasheed to bring complainant. Head Constable No.3750, MA.Rasheed (A-5) along with PC Sri Yadaiah Goud went to house of complainant in the police jeep AHY 5017 and brought complainant to Central Crime Station from his house, in the presence of his brother, mother and his father, and produced before SI of Police (A-6) and later before Inspector Sri D. Rami Reddy (A-4). HC 3750 along with other accused abused and threatened complainant to repay the amount to A-1. They pressurized complainant with dire consequences, if he fails to pay the amount. Due to which complainant agreed to pay the money through a cheque. But the accused did not agree for the same and further demanded a security. On the suggestion made by A-3, Inspector Sri D. Rami Reddy (A-4) demanded complainant to keep his vehicle records and signed blank cheques and promissory notes as a security with him till completion of transaction of payment. For all this time complainant was detained illegally in the room of Inspector (A-4). In pursuance of conspiracy, at about 6 pm, A-3 forcibly took the room key from the pocket of Complainant and handed over to A-6 and informed to Inspector. On that Sri D.Rami Reddy (A-4) instructed SI of Police, A-6 and Head Constable, A-5 to go to the house of LW-1 and get concerned cheque book and other Vehicle documents.

6. And whereas, the accused A-5, Sub-Inspector of Police and A-6, HC 3750 along with A-1 to A-3 and A-7 criminally trespassed in to the house of complainant and threatened his family members, who were present there. They forcibly entered in to the room of complainant, conducted search illegally, without allowing any of family members in to the room and took the following documents and articles in to their possession.

1. Original RC of vehicle AP 9A 5455
2. A passport No U 390742 in the name of complainant.
3. An old passport X 211413 of complainant.

4. A Cheque book bearing cheque numbers: 3784, 3785, 3786, 3788, 3789, 3787, 3790, 3791 and 3792 of State bank of Mysore.
5. Xerox copies of RC Book For Vehicle APB 6636 and Release order of RTA West Zone vide C.No.5924/B1/98, dt: 26.10.1998.
6. Original Temporary RC of vehicle MH 01 Tr 481
7. Original RC of vehicle No AP 10 1339 along with a Xerox copy in the name of complainant and
8. A Motorola cell phone.

7. And whereas, immediately, As per the directions Police, on the same day (3.12.1999), father of complainant went to Central Crime Station and approached Inspector. Inspector Sri D. Rami Reddy along with other accused demanded him to pay the amount Rs.1,00,000/- immediately, otherwise his son would be detained at Central Crime Station till the payment of the money. He expressed his inability and promised to pay some amount on the next day and requested to release his son. But Inspector Sri D. Rami Reddy did not heed his words and confined complainant illegally in Inspector's room in Central Crime Station on the whole night of 03.12.1999. On 04.12.1999 at 8.59 am, HC, Sri MA. Rasheed (A-5) called father of complainant by phone and informed him to come to Central Crime Station with money. On that he went to Central Crime Station and paid Rs. 50,000/- and requested to release his son, but in furtherance of their conspiracy the accused forced complainant to sign on blank Cheques and Pro notes. Due to fear Complainant signed 9 blank cheques Nos.003784, 003785, 003786, 003788, 003789, 003787, 003790, 003791 and 003792 of the State Bank of Mysore for different amounts not mentioning date and name and executed two blank Promissory notes in favour of A-1 with out mentioning date and amount and handed over to inspector Sri D. Rami Reddy. The cheques were the same, which were brought from the house of Complainant illegally on 03.12.1999 by police including A-5 and A-6. Inspector Sri D. Rami Reddy after taking all the documents released Complainant by taking a personal bail bond dt: 04.12.1999, in which father of complainant also signed. Later A-1 with out knowledge of complainant presented a cheque No.003787 for Rs.50,000/- dt: 09.12.1999 to State Bank of Mysore. But the said cheque was bounced, as complainant submitted a requisition to Bank on 10.12.1999 for stopping payment for the cheques, mentioning the numbers in he was signed forcibly during his detention. Accordingly the payment was stopped by the bank. Subsequently A-1 filed a case under sections 138 of Negotiable Instrument Act in 1st Addl Chief Metropolitan Magistrate Court, against Complainant for dishonoring of the cheque. It is dismissed by the Hon'ble Court in favour of complainant on 27.06.2006 in CC.102/2000.

8. And whereas, it is further established that after release of Complainant from the custody, taking advantage of keeping his documents and articles, seized from his house, Inspector Sri D. Rami Reddy (A-4) and Head Constable 3750 Sri MA.Rasheed (A-5) started demanding of bribe for return of documents. Upon which, de facto complainant lodged a complaint with ACB on 04.01.2000. ACB registered a case of Cr.No.1/ACB-CRE/2000 dt: 04.01.2000 and laid a trap on A-4 and A-5. On 05.01.2000 at 5.50 pm Head Constable No.3750 Sri MA. Rasheed (A-5) was caught red handed by ACB Officials, while he was taking bribe of Rs.5,000/- from complainant at Kamath Hotel near Reserve Bank of India, Hyderabad. ACB officials seized the following documents from possession of HC under cover of Mediator Proceedings.

1. Original RC of vehicle number Andhra Pradesh 9A 5455
2. A passport No U 390742 in the name of complainant.
3. An old passport X 211413 in the name of complainant.

4. Blank Cheques with numbers: 3784, 3785, 3786, 3788, 3789, 3790, 3791 and 3792 of State Bank of Mysore with out Payees name and date for different amounts.
5. Xerox copies of RC Book For Vehicle APB 6636 and Release order of RTA West Zone vide C.No.5924/B1/98, dt: 26.10.1998.
6. Original Temporary RC of vehicle MH 01 Tr 481
7. Original RC of vehicle No A.P 10 1339 along with a Xerox copy
8. Two blank promissory notes along with receipts with revenue stamps signed by complainant in the name of A1 and
9. A cell phone with Number 9849037807.

9. And whereas, A-5, during interrogation informed ACB officials that Inspector Sri D. Rami Reddy handed over the above documents to him to give to complainant after receiving money and as per instructions of Inspector only he accepted the bribe for giving records to complainant. In pursuance of the information furnished by A-5, ACB searched the office of Inspector at Central Crime Station on 05.01.2000 and 07.01.2000, seized a diary and certain documents pertaining to this case.

10. And whereas, after completion of Investigation, ACB obtained sanction orders from Home (SC.A) Department, to prosecute A-5 under provisions of Prevention of Corruption Act-1988 vide G.O.Ms.No.288, Home dt: 23.09.2002, filed charge sheet on 28.01.2003 before Hon'ble Principal Special Judge for SPE & ACB Cases at Hyderabad, against Sri D. Rami Reddy (A-4) and Head Constable (A-5). The case is pending trial vide CC.8/2003.

11. And whereas, the government on perusal of the statement of witnesses, relevant documents and also the letter of the Additional Director General of Police, CID, A.P., Hyderabad has satisfied that the accused Sri MA. Rasheed former Head Constable, Central Crime Station, Hyderabad (A-5), conspiring with A-1 to A-4, A-6 and A-7 committed offences of illegal Detention of a civilian Mr Munwar Ahmed Sohail, criminal trespass in to his dwelling house, and committing extortion. There is clinching evidence against the accused in this case. A-5, Sri MA. Rasheed former Head Constable, Central Crime Station committed offences punishable under sections of 451, 384, 342, 120 B Indian Penal Code, 1860.

12. And whereas, the Government of Andhra Pradesh, being the competent authority to remove the said Police Sri MA. Rasheed former Head Constable, Central Crime Station, Hyderabad, from Government Service, after fully and carefully examined the material placed before them by the Addl. Director General of Police, Crime Investigation Department, A.P., Hyderabad in respect of above allegations and having regard to the facts and circumstances of the case, having applied mind consider that the said person Sri MA. Rasheed former Head Constable 3750(Retired), Central Crime Station, Hyderabad, shall be prosecuted in a competent Court of Law for the above said offences or any other offences relating to the above offences.

13. Now, therefore, in exercise of the powers conferred by section 197 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) read the orders issued in G.O.Ms.No.631 (Court-B) Department, dated: 30th April, 1974, Government of Andhra Pradesh hereby accord sanction for the prosecution of Sri M.A. Rasheed s/o late MA.Majeed, Head Constable No.3750 (Retired), formerly worked at Central Crime Station r/o H.No.11-1-1203/B/2 Habeeb Nagar, Malleshwari, Hyderabad (A-5) for the said offences punishable Under Sections 451, 342, 384,

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120 B of the Indian Penal Code, 1860 or any other provision of law for the time being in force in respect of the aforesaid acts, while acting or purporting to act in discharge of official duties and for taking cognizance of the offence by a court of competent jurisdiction.

14. The Government further in exercise of powers conferred under sub-section (4) of section 197 of the code of Criminal Procedure, 1973 authorizes Inspector of Police, General Offences Wing, Crime Investigation Department, Hyderabad to prosecute the above mentioned accused for the aforesaid offences and for taking cognizance of the above said offences by the Court of competent jurisdiction.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDSHRA PRADESH)

P. GAUTAM KUMAR,
PRINCIPAL SECRETARY TO GOVERNMENT.

To

The Director General of Police, A.P., Hyderabad.

The Additional Director General of Police, CID A.P., Hyderabad.

Copy to:

The Director General & Inspector General of Police, A.P., Hyderabad.

Law (E) Department.

The P.S. to Secretary, Law (LA & J) Department.

The P.S to Prl.Secy, Home Department.

C.No. 37034/Legal.II/A2/2006

SF/SC

//Forwarded By Order//

Section officer